



## PLANNING & ZONING REPORT

### Zoning Board of Appeals Meeting of June 22, 2022

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**File # 033-22**

**APPLICANT:** Attorney Jim Hursh for Merat Esfahani/AROM, LLC

**LOCATION:** 3828 Spring Creek Road

**REQUESTED ACTION:** A Special Use Permit for a Planned Unit Development for a Planned Unit Development for a single family residence, a guest/play house and to allow all existing buildings to remain on the site in an R-1, Single family Residential Zoning District.

**EXISTING USE:** Single-family residence, guest/play house

**PROPOSED USE:** Single family residence, guest/play house

**DIMENSIONS:** See attached Exhibit D.

**ADJACENT ZONING AND LAND USES:**

|        |      |                          |
|--------|------|--------------------------|
| NORTH: | R-1; | Single family residences |
| EAST:  | R-1; | Single family residences |
| SOUTH: | R-1; | Single family residences |
| WEST:  | R-1; | Single family residences |

**YEAR 2020 PLAN:** RL Light Residential

**SOILS REPORT:** Report # no soils report on file.

**HISTORY:** There is no relevant recent history in the immediate area.

**REVIEW COMMENTS:** The Applicant is requesting a Special Use Permit for a Planned Unit Development (PUD) for a single-family residence, a guest/play house and to allow all existing buildings to remain on the site in an R-1, Single family Residential Zoning District. The subject property is located on the north side of Spring Creek Road.

The subject property consists of single-family residence, tennis courts, detached garage and a guest/playhouse. The property is about 10 acres in size. The Applicant is in the process of annexing into the City of Rockford and would like to bring the property into compliance. When annexed into the City of Rockford, the property automatically receives R-1 zoning. The property currently has two structures that have dwelling units. In the R-1 District, only a single family residence is permitted. For that reason, the Applicant is requesting the Special Use Permit for a PUD.

Exhibit D is the aerial view provided by the Applicant. The area is highlighted in white. The property is surrounded by single-family homes. Exhibit E is the aerial view of the property that identifies the house and guest/play house. Based on the Rockford Township website, the house is approximately 8,356 square feet and has 5 bedrooms, 4 full bathrooms and 3 half bathrooms. The detached garage is 40' by 48'. Staff is unsure of the size of the guest/play house.

Exhibit E is the reason for this request. The Applicant purchased the property without knowing that the buildings on the property were not to code and permits were not obtained. The guest/play house was built without a permit for the septic system. The property does have city water and sanitary sewer is available. The Applicant would like to bring the property into compliance with Winnebago County Health Codes. There are no future plans to add any additional buildings on the site.

There were no service calls for this property the last two years. The city is contiguous with this site and could enact its extraterritorial rights for both zoning and subdivision on this site. Therefore, the Applicant chose to annex to the city and obtain the PUD as this was the best option for the property to bring it into compliance with both zoning and subdivision regulations. Staff supports this request.

**RECOMMENDATION:** Staff recommends **APPROVAL** of a Special Use Permit for a Planned Unit Development for a Planned Unit Development for a single-family residence, a guest/play house and to allow all existing buildings to remain on the site in an R-1, Single family Residential Zoning District, subject to the following condition:

1. Meet all applicable Building and Fire codes.

SC: BM 06/14/22

**FINDINGS OF FACT FOR APPROVAL OF A SPECIAL USE PERMIT FOR A PLANNED  
UNIT DEVELOPMENT FOR A SINGLE FAMILY RESIDENCE AND A GUEST/PLAYHOUSE  
AN R-1, SINGLE FAMILY ZONING DISTRICT  
LOCATED AT 3828 SPRING CREEK ROAD**

**Approval** of this Special Use Permit for a PUD is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit for a PUD will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit for a PUD will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will substantially diminish or impair property values within the neighborhood.
3. The establishment of the special use for a PUD will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the R-1 District.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use for a PUD does conform to the applicable regulations of the R-1 District in which it is located.

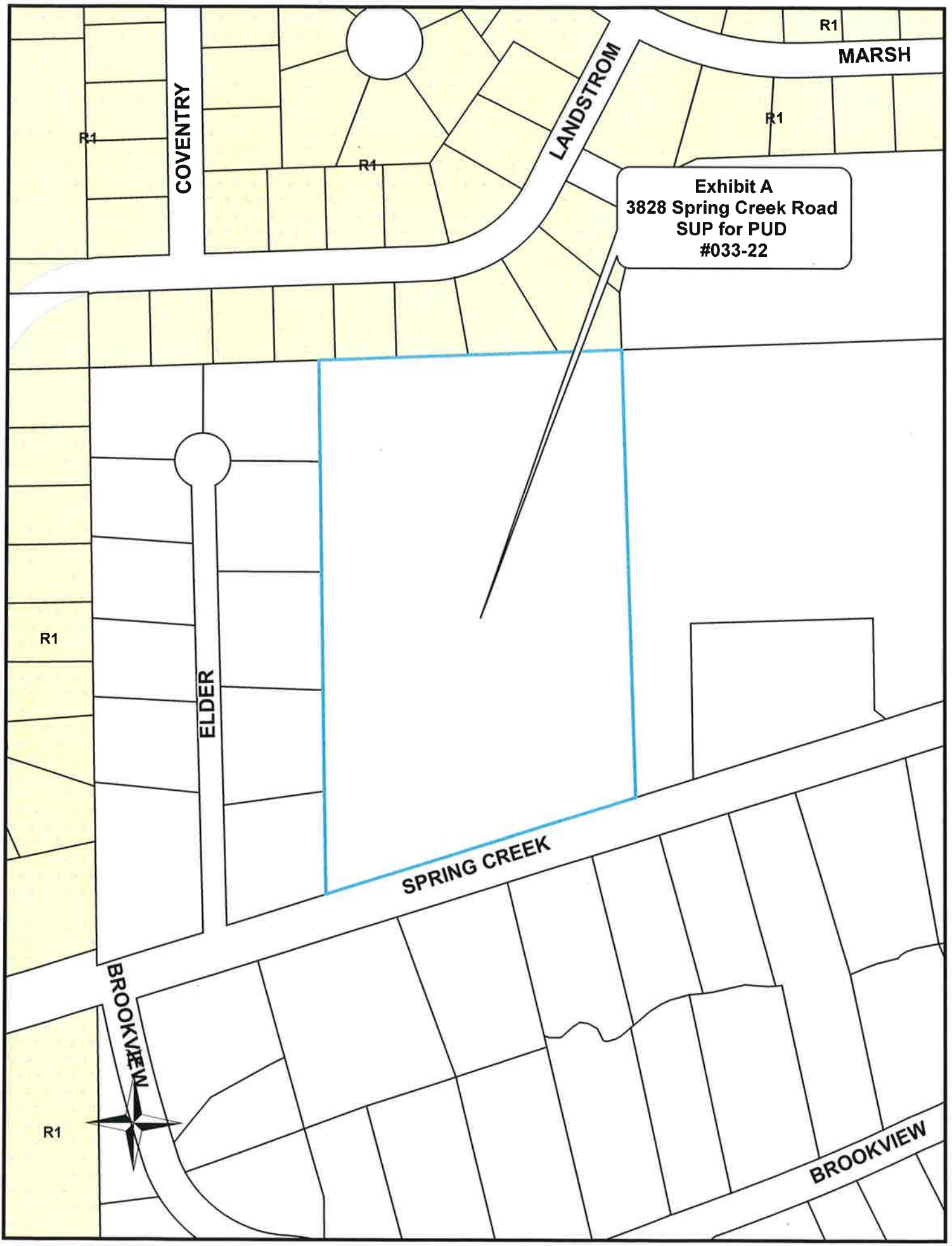


Exhibit A  
3828 Spring Creek Road  
SUP for PUD  
#033-22





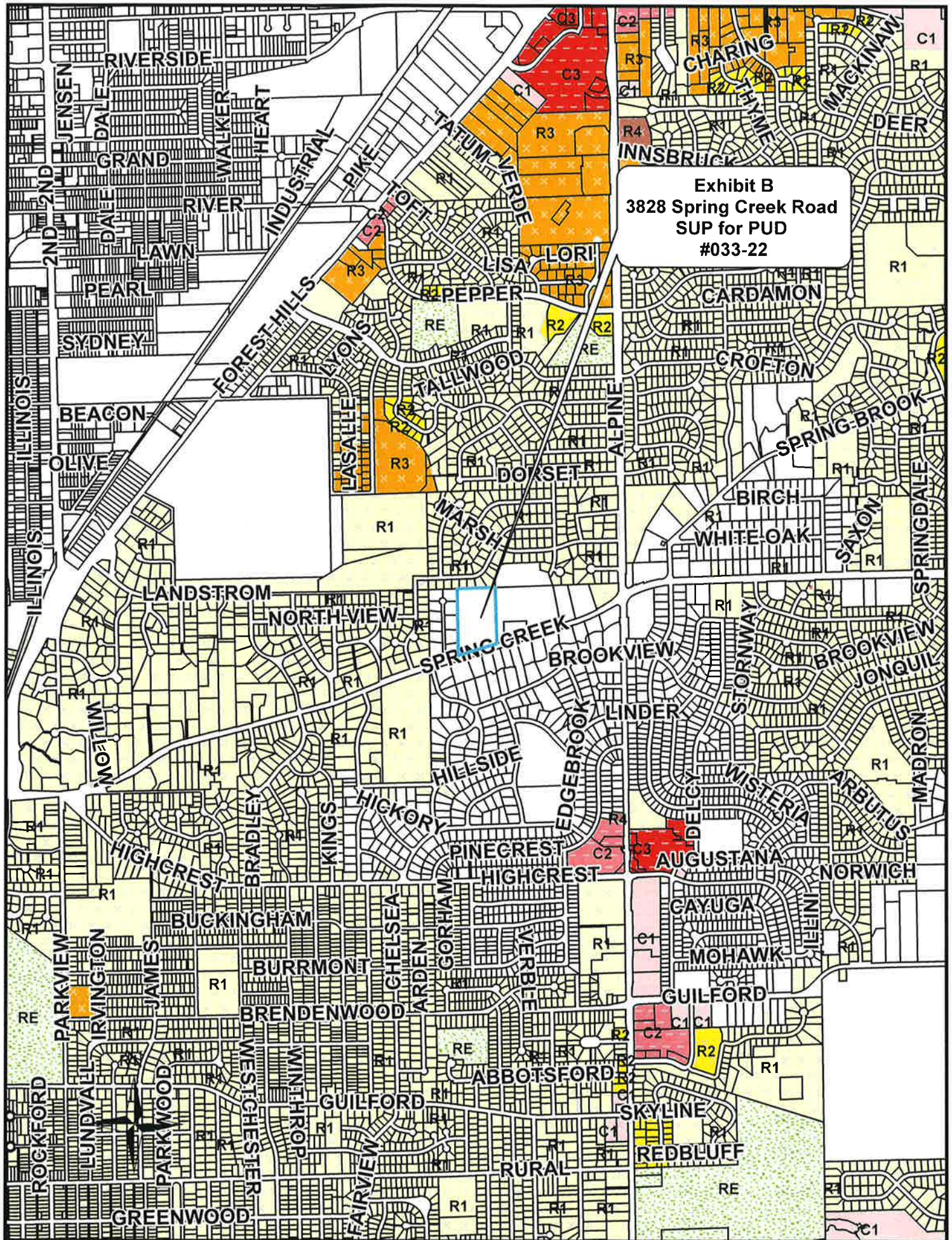










Exhibit D  
3828 Spring Creek Road  
SUP for PUD  
#033-22



Exhibit E  
3828 Spring Creek Road  
SUP for PUD  
#033-22



Applicant purchased the property not knowing the previous owner had constructed buildings on the site not in conformance with the Winnebago County Health Code. The previous owner built a "guest/play house" on the property, but did not get permits for a septic system or well for the guest/play house.

The site is currently served by public water and a public sewage system is available.

The applicant does not plan on constructing more buildings, but seeks to keep the buildings on site and come into compliance with all health codes. A PUD special use could allow the Applicant to keep all structures on site such as he bargained for when purchasing the property.

Allowing the Special Use is expected to have no impact on the surrounding properties as the property would maintain its current use.

Exhibit F  
3828 Spring Creek Road  
SUP for PUD  
#033-22

G. MICHAEL SCHEURICH  
JAMES E. TUNEBERG  
JOHN D. LANPHER  
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June 14, 2022

City of Rockford  
Planning and Zoning  
Scott Capovilla, Division Head  
425 E State St. Rockford, IL 61104

Email: [Scott.Capovilla@rockfordil.gov](mailto:Scott.Capovilla@rockfordil.gov)

RE: 3828 Spring Creek Road, Rockford, Illinois 61107 Annexation and Special Us

Dear Board Members:

Please consider this a request to postpone the above referenced hearings scheduled for June 22, 2022. The request is made due to unforeseen circumstance that recently arose. Please postpone to the July Meeting.

Please contact me if you have any questions.

Sincerely,

James Hursh  
Attorney at Law